

REMARKS

The present application includes pending claims 1-12 and 21. Claims 1, 3 and 10 stand rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,666,987 ("Morikawa"). Claims 2, 12, and 21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Morikawa in view of United States Patent No. 6,162,503 ("Ferrier"). Claims 4-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Morikawa in view of United States Patent No. 5,861,076 ("Adlam"). Claim 9 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Morikawa in view of Adlam and United States Patent No. 5,910,255 ("Noddin"). Claim 11 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Morikawa in view of United States Patent No. 6,284,309 ("Bishop"). The Applicants respectfully traverse these rejections at least for the reasons set forth below and previously during prosecution of the present application.

The Applicants first turn to the rejection of claims 1, 3, and 10 as being unpatentable over Morikawa. The Applicants respectfully submit that they completed their invention prior to the effective date of Morikawa.

If the application claims foreign priority under 35 U.S.C. 119(a)-(d) or 365(a), the effective filing date is the filing date of the U.S. application,.... The filing date of the foreign priority document is not the effective filing date, although the filing date of the foreign priority document may be used to overcome certain references.

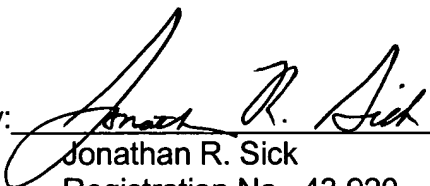
Manual of Patent Examining Procedure (MPEP) at § 706.02(V). Thus, the effective date of Morikawa is June 8, 1999, despite the fact that it claims priority to earlier Japanese applications.

A Declaration Under 37 C.F.R. § 1.131 and photocopies of laboratory notebook pages that antedate the effective date of Morikawa are enclosed with this Response. Thus, the Applicants submit that Morikawa, which was used to reject all the pending claims of the present application, is not prior art with respect to these claims. At least for this reason, the Applicants respectfully submit that claims 1, 3, and 10 should be in condition for allowance. As such, all the claims of the present application should be in condition for allowance because each depends from claim 1.

If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited and encouraged to contact the undersigned at the number listed below. The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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